

III. Remarks

A. Status of the Application

Claims 1-5, 9-12, and 15-29 are pending of which claims 1, 19, and 21 are independent. Claims 1, 12, and 19 are amended by this present paper. Claims 21-29 are added by the present paper. Reconsideration of the presently pending claims is respectfully requested in light of the above amendments and the following remarks.

B. Rejection under 35 U.S.C. §112

The Office Action indicated that claims 19 and 20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states there is insufficient antecedent basis for “the syringe plunger” and “the primary chamber” as recited in claim 19. Office Action, p.2. Claim 19 has been amended as shown above to clarify the claim to recite “a syringe plunger” and “a primary chamber” and is submitted to be in allowable form.

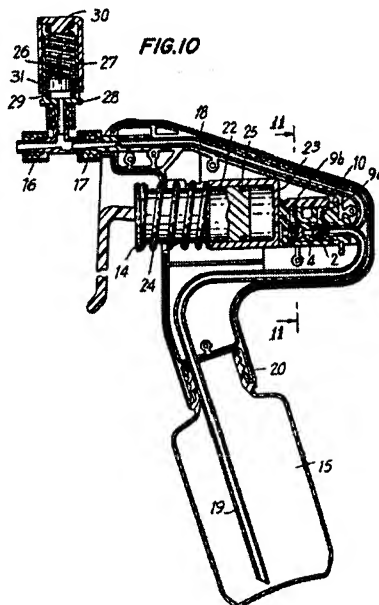
C. Rejections under 35 U.S.C. §103

The Office Action indicated claims 1-4, 9, 12, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,254,092 to Polyak in view of U.S. Patent No. 3,279,660 to Collar. Applicants traverse the rejection on the ground that the combination of the cited references is defective in establishing a *prima facie* case of obviousness with respect to the pending claims.

1. Independent Claim 1

With respect to amended independent claim 1, even when combined, Polyak and Collar at least fail to teach, suggest, or consider a pumping system “including a manually operable actuator at a position distal to the trigger on the end of the housing allowing manual pressure release by one hand of a user while holding the housing in the same one hand, the manually operable actuator selectively releasing pressure on said fluid within a conduit by releasing at least a portion of said fluid out of the conduit and external to the fluid source.” With

reference to FIG. 10 reproduced from Polyak, the Office Action identified slider 10 as corresponding to an actuator and reservoir 15 as corresponding to a fluid source.



However, slider 10 cannot properly be considered to correspond to the claimed manually operable actuator because slider 10 does not selectively release pressure on fluid within a conduit by releasing at least a portion of said fluid out of the conduit and external to the fluid source as recited in claim 1. Instead, Polyak teaches positioning slider 10 such that liquid from a balloon is subsequently transferred to the reservoir 15 through high pressure tubing 18, 19. Polyak, col.5 ll.41-54. Therefore, Polyak at best teaches that slider 10 releases fluid *internally* to reservoir 15 via high pressure tubing 18, 19 when deflating a balloon attached to the device. Collar does not cure the deficiency of releasing at least a portion of said fluid out of the conduit and external to the fluid source. Therefore, even when combined, Polyak and Collar at least fail to teach, suggest, or consider a pumping system “including a manually operable actuator at a position distal to the trigger on the end of the housing allowing manual pressure release by one hand of a user while holding the housing in the same one hand, the manually operable actuator selectively releasing pressure on said fluid within a conduit by releasing at least a portion of said fluid out of the conduit and external to the fluid source,” as recited by claim 1.

Accordingly, even when combined Polyak and Collar cannot be used to establish a *prima facie* case of obviousness with respect to independent claim 1. Thus, Applicants request that the §103 rejection of claim 1 be withdrawn.

We note that claim 1 (and claim 19) is amended to remove some recited features, including the feature of an ergonomically designed pistol grip handle. Accordingly, this feature, as well as any arguments made previously with respect to this feature, are irrelevant to the patentability of the claims as pending.

2. Independent Claim 19

Independent claim 19 has been amended to recites features similar to claim 1. In particular, claim 19 recites “a manually operable actuator to selectively release pressure in the system; a connecting tube extending from the housing, wherein the manually operable actuator selectively releases pressure on said fluid within the connecting tube by releasing at least a portion of said fluid out of the connecting tube and external to the fluid reservoir.” As discussed above with respect to claim 1, even when combined, the Polyak and Collar references do not disclose all of the recited limitations of claim 1. Likewise for at least a similar reason, a *prima facie* case of obviousness cannot be supported with respect to amended claim 19. Thus, Applicants request that the §103 rejection of claim 19 be withdrawn.

3. Dependent Claims

Claims 2-5, 9-12, and 15-18 depend from independent claim 1. Claim 20 depends from independent claim 19. These dependent claims are believed to be distinct from the art of record, for example for the same reasons discussed above with respect to their respective independent claims. Therefore, Applicants respectfully request that the Office reconsider and withdraw the rejection of these claims.

C. New Claims

New claims 21-29 have been added and recite a combination of features not taught, suggested, or considered by the cited references. Accordingly, Applicants submit that new claims 21-29 are allowable over the cited references.

IV. Conclusion

In view of the foregoing remarks, all of the claims currently pending in this application are in a condition for allowance. A telephone interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application. To that end, the Examiner is invited to contact the undersigned at 972-739-6969.

The Office Action contains characterizations of the claims and the related art of which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

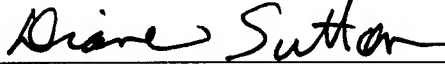
Respectfully submitted,



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I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on <i>December 31, 2008.</i>
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